

C.C.R.B CASE CLOSING FORM

Investigator assigned: Peter J. Davis		Team: 8	CCRB#: 9902333	<input checked="" type="checkbox"/> Force <input checked="" type="checkbox"/> Discourtesy <input checked="" type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input type="checkbox"/> Injury
Date of incident: 5/4/99	Time of incident: 4:45 PM	Location of incident: § 87(2)(b)	Pct. of occurrence: 052	Date S.O.L. Expires: 11/4/00
Date reported: 5/20/99	Time reported: 1:30 PM	To whom/where/how reported: Complaint made to IAB 5/11/99, 7:42 AM		
Complainant: § 87(2)(b) § 87(2)(b)		Home address: § 87(2)(b) § 87(2)(b)		
Victim(s): § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b)		Home address: § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b)		
Witness(es): § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b)		Home address: § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b)		
Subject officer(s) (include rank): PO Brian Mullen Sgt. Kevin Campbell		Shield: 23919 130	Tax: 906885 889689	Command: 52 Precinct 52 Precinct
Witness officer(s) (include rank): PO Robert Spies PO Jeff Caton PO Ruben Ruiz PO George Martinez (Retired 8/9/99)		Shield: 24391 25483 15621	Tax: 907382 892872 895947	Command: 52 Precinct 52 Precinct 33 Precinct
Allegation(s) by letter: (A) Discourtesy: On § 87(2)(b) an officer spoke rudely to § 87(2)(b) § 87(2)(b) (B) Discourtesy: On § 87(2)(b) an officer spoke rudely to § 87(2)(b) § 87(2)(b) (C) Force: On § 87(2)(b) an officer used physical force against § 87(2)(b) § 87(2)(b) (D) Abuse of authority: On § 87(2)(b) an officer damaged § 87(2)(b) § 87(2)(b) property. (E) Force: On § 87(2)(b) an officer used physical force against § 87(2)(b) § 87(2)(b) (F) Abuse of Authority: On § 87(2)(b) an officer searched § 87(2)(b) § 87(2)(b) (G) Abuse of authority: On § 87(2)(b) an officer threatened § 87(2)(b) § 87(2)(b) with the use of force. (H) Abuse of authority: On § 87(2)(b), Sgt. Kevin Campbell threatened to arrest § 87(2)(b) § 87(2)(b) (I) Abuse of authority: At § 87(2)(b), PO Brian Mullen threatened § 87(2)(b) § 87(2)(b) with arrest and/or the use of force.				Recommendation(s): § 87(2)(g)

ENCL. 1

Synopsis

§ 87(2)(b) § 87(2)(b) was arrested after she maced a man who she claims attacked her husband, § 87(2)(b) § 87(2)(b). She and her husband allege that they were led into an alley by two police officers who used force, discourteous language, and threats while searching them. A sergeant on the scene is charged with making an improper threat of arrest. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) § 87(2)(b)

Summary of Complaint

Complainant § 87(2)(b) § 87(2)(b) states that her husband, § 87(2)(b) § 87(2)(b) was assaulted on § 87(2)(b) by a neighbor named § 87(2)(b) § 87(2)(b) on May 4, 1999. In an effort to save her husband, § 87(2)(b) § 87(2)(b) sprayed mace in the face of his attacker. § 87(2)(b) § 87(2)(b) went directly to the 52nd precinct to make a complaint against § 87(2)(b) § 87(2)(b) while § 87(2)(b) § 87(2)(b) went back inside with the children. While § 87(2)(b) § 87(2)(b) was gone, § 87(2)(b) § 87(2)(b) banged on her door and made threats against her and her children. She sent the children out the window to a local community group, where they called 911, then went there herself to pick them up.

§ 87(2)(b) § 87(2)(b) states that her husband made a complaint report at the 52nd precinct and was told to return to his home, where a sector car would be responding. Both § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) arrived at § 87(2)(b) § 87(2)(b) and found two police officers, PO Spies and PO Mullen (identified by the complainant by name as Officers Spikes and Mullen), with § 87(2)(b) § 87(2)(b) the man who attacked § 87(2)(b) § 87(2)(b). Also present was § 87(2)(b) § 87(2)(b) § 87(2)(b) Ruben Ruiz, who is a police officer from the 33rd precinct in Manhattan.

PO Spies and PO Mullen, according to § 87(2)(b) § 87(2)(b) took § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) into an alley between two buildings and placed them against a wall. They told them both to shut up (allegations A and B) and PO Mullen smacked a cigarette out of § 87(2)(b) § 87(2)(b) hand as she brought it to her mouth, telling her that he did not like cigarettes (allegation C). PO Mullen patted her down and made her empty her pockets, then crushed her pack of cigarettes and threw them away, again saying that he did not like cigarettes (allegation D). Meanwhile, PO Spies was frisking § 87(2)(b) § 87(2)(b) and held his head against the plaster wall (allegations E and F). Both officers were calling the § 87(2)(b) § 87(2)(b) "all kinds of names," such as crackheads (allegations A and B).

When the officers finally arrested § 87(2)(b) § 87(2)(b) her husband tried to tell them that § 87(2)(b) § 87(2)(b) should be arrested for attacking him. Sgt. Campbell (who was identified by his name and by shield number 130) interrupted § 87(2)(b) § 87(2)(b) and said, "we don't want to hear anything you've got to say – just take a walk, get away from here because you'll be arrested too" (allegation H). § 87(2)(b) § 87(2)(b) continued to insist, but the sergeant told him to "keep stepping."

§ 87(2)(b) § 87(2)(b) adds that later that day, when she was at the hospital being treated for high blood pressure, her husband had a confrontation with PO Mullen. She did not describe this confrontation.

Results of Investigation

NYPD Documents: Arrest records (enclosures 26 a-d) indicate that both § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) were arrested as a result of this incident, though on different dates. § 87(2)(b) § 87(2)(b) was arrested at the scene on May 4, 1999 and charged § 87(2)(b) § 87(2)(b), while § 87(2)(b) § 87(2)(b) was arrested at the 52nd precinct station house (by a member of the detective squad) on May 20. He was charged § 87(2)(b) § 87(2)(b).

§ 87(2)(b) § 87(2)(b)

§ 87(2)(b)

Records obtained from the 52nd precinct were used to indicate the officers who were on duty during this incident (roll call, enclosure 27) as well as the aided reports which were filed. The aided index (enclosure 28) reveals that aided reports were filed for both § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b). The report completed by PO Mullen for § 87(2)(b) (enclosure 29) states that he received a scratch to his forehead but refused medical assistance. Other records include the 52nd precinct command log and prisoner roster, which detail the processing of § 87(2)(b) § 87(2)(b) arrest.

Finally, complaint report records (enclosures 33 a-b) indicate that § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) filed cross-complaints after this incident. Both reports were filed at 3:45 PM on May 4, 1999. Complaint report § 87(2)(b), filed by § 87(2)(b) § 87(2)(b) states that § 87(2)(b) § 87(2)(b) sprayed § 87(2)(b) § 87(2)(b) with a chemical agent after he was involved in a verbal dispute with a "separate party" § 87(2)(b) § 87(2)(b). Report § 87(2)(b), filed by § 87(2)(b) § 87(2)(b) against § 87(2)(b) § 87(2)(b) states that at the time of occurrence, § 87(2)(b) § 87(2)(b) was determined to be the aggressor in his dispute with § 87(2)(b) § 87(2)(b). It states that he went to § 87(2)(b) § 87(2)(b) apartment and started the dispute. A complaint report index for May 4, 1999 (enclosure 32) indicates that no other UF-61s were filed in regard to this incident on that day.

Civilian statements: § 87(2)(b) and § 87(2)(b) § 87(2)(b) were interviewed at CCRB on July 16, 1999, along with three of their four children who were witnesses. § 87(2)(b) § 87(2)(b) (enclosure 9) states that on May 4, 1999, he was the victim of an unprovoked and unwarranted attack by § 87(2)(b) § 87(2)(b) who had harassed and attacked him on several prior occasions. To save him from this attack, his wife sprayed mace on § 87(2)(b) § 87(2)(b) § 87(2)(b) went immediately to the 52nd precinct and filed a report, then was told to return to the location and meet a sector car there.

He returned to § 87(2)(b) and identified himself to the officers there. An officer named Campbell said to him, "Keep on steppin' – go away, because I'm going to arrest you" (allegation H). When § 87(2)(b) § 87(2)(b) continued to say that he had a report calling for § 87(2)(b) § 87(2)(b) arrest, the officers got "real nasty" and took him and his wife to the alley to search them. One officer pushed § 87(2)(b) § 87(2)(b) head against a wall (allegation E), causing more damage to the head wound inflicted earlier by § 87(2)(b) § 87(2)(b). The same officer twisted his wife's arm and smacked a cigarette out of her mouth.

§ 87(2)(b) § 87(2)(b) states that when he was being frisked, the officer frisking him told him to "shut the hell up" (allegation B) then put his hands inside § 87(2)(b) § 87(2)(b) pockets, turning them inside-out (allegation F). § 87(2)(b) § 87(2)(b) protested this treatment, to which the officer said, "shut the hell up – don't give me no problems or I'll smack you down" (allegation G). He then protested to the officer frisking his wife, but he also told him to shut the hell up (allegation B). § 87(2)(b) § 87(2)(b) head was being pressed against the wall, with his bloody wound painfully touching the plaster, so he continued to protest. The officer frisking him said, "shut the hell up, because I'm gonna give you more" (allegation G). He protested again to the officer who was frisking his wife, who was now twisting her arm, but that officer replied, "didn't I tell you to shut the hell up?" (allegation B).

§ 87(2)(b) § 87(2)(b) was then put in a car and taken to the precinct. § 87(2)(b) § 87(2)(b) took the children to the precinct, where the officers were "very nasty" and did not ask him how he was feeling or offer him medical attention. Officer Campbell told him to leave the precinct because his wife was going to jail. Later, he was told that his wife went to the hospital and he went there to see her. He "had a little talk" with the officer who arrested his wife and told him that he could have simply given his wife a DAT instead of putting her through the system. He said, "Why didn't you give her a DAT? Are you contented?" The officer replied, "yeah, I am." § 87(2)(b) § 87(2)(b) said to him, "I find you so, so cold," to which the officer replied, "I advise you to shut up, because when I see you around the neighborhood, I got you – and I'm gonna take care of you" (allegation I).

§ 87(2)(b) states that he did not receive medical treatment for the wound on his head.

On August 24, 1999, § 87(2)(b) and § 87(2)(b) were shown arrays which included photos of PO Mullen, PO Spies, and Sgt. Campbell (enclosures 8 and 10). Sgt. Campbell was identified by both § 87(2)(b) as the officer who told § 87(2)(b) to “keep stepping” as § 87(2)(b) was being arrested on § 87(2)(b). § 87(2)(b) identified Sgt. Campbell by name.

§ 87(2)(b) identified PO Mullen as the officer who pushed both § 87(2)(b) against the wall and who “actually did the physicalities.” PO Mullen, she states, was the officer who smacked the cigarette out of her hand and threw away her cigarette pack. She hesitated in identifying PO Spies in the photo array, then stated that PO Spies was “backing up whatever Mullen and Campbell said.” He “helped” put the § 87(2)(b) against the wall but did not commit any of the “physicalities.” § 87(2)(b) identified PO Mullen as “the officer that got really aggressive with me. He put my head against the wall, where I had the cut.” He identified PO Spies as “the officer that was very aggressive with my wife and told me to shut up. This guy was really, very, very nasty.”

§ 87(2)(b) (enclosure 11), the oldest of the § 87(2)(b) children at § 87(2)(b), states that she saw the officers pull her parents into an alley and put her father against the wall, telling him to shut up. The cut on his head got worse when his head hit the wall in the alley. She heard her father and the officers yelling at each other, and she states that her mother was “hysterical” at the time of her arrest. Later, at the precinct, § 87(2)(b) heard her father trying to get her mother out of jail. He was upset and was cursing at the officers, and the kids were all crying “hysterically.” § 87(2)(b) states that her father says that most cops are bad, and she agrees.

§ 87(2)(b) (enclosure 12), § 87(2)(b) old, states that he also saw his father in the alley with an officer. The officer handcuffed his father and searched him, pulling the things out of his pockets and throwing them on the ground. The other officer was with his mother, but he was not searching her. Later, they all went to the precinct, where a captain told his father to shut up and called him a junkie. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) (enclosure 13), § 87(2)(b) old, states that he was with his father when he was attacked by the man who lives next door. He saw the man attack him, then saw his mother mace the man. The police came and put handcuffs on his mother. They brought his father into an alley and put his head against a wall. His father tried to explain that the other man started the fight, but they threatened to arrest him. The officers threw everything his parents had on the floor and one officer knocked a cigarette out of his mother’s mouth.

§ 87(2)(b) (enclosure 14) is the § 87(2)(b) § 87(2)(b) (the § 87(2)(b) residence), and lives on the § 87(2)(b) of the building. His office is reached by walking through the short alley in which the § 87(2)(b) allege to have been searched. On May 4, 1999, he heard shouts and commotion outside but did not immediately go outside. He could hear that the § 87(2)(b) were involved and assumed that they were getting arrested again. When he did go outside, he learned that § 87(2)(b) had sprayed mace on § 87(2)(b) a neighbor from the adjacent building.

§ 87(2)(b) went back to his office and came outside again a short while later. By that time, § 87(2)(b) was already in handcuffs and was being placed in the back of the police car. “There were probably more police officers than witnesses” on the scene, he states, recalling that there were three police vehicles there. He recalls one or more sergeants also present on § 87(2)(b) as § 87(2)(b) was being arrested. He did not see the police frisking either of the § 87(2)(b) nor did he see them using any physical force against them. He did not witness the officers with the § 87(2)(b) in the alley near his office. § 87(2)(b) he states, was upset but calm as she was

placed in the car. He states that he did not hear or see anything out of the ordinary; "It was a very straight-forward arrest."

§ 87(2)(b) § 87(2)(b) § 87(2)(b) has had problems with the § 87(2)(b). He states that the § 87(2)(b) are relatively new to the neighborhood. When asked if they are good people, he replied: "no, not really – in fact, they're not good at all. § 87(2)(b) we've had our ups and downs with them. § 87(2)(b) § 87(2)(b) § 87(2)(b) who lives in the other building, seems to be OK."

§ 87(2)(b) § 87(2)(b) (enclosure 15) states that on May 4, § 87(2)(b) § 87(2)(b) came to the open window of his § 87(2)(b) apartment and began challenging him, telling him he was going to kick his ass. § 87(2)(b) § 87(2)(b) tried to avoid the situation until he went outside and was attacked by § 87(2)(b) § 87(2)(b). Suddenly, § 87(2)(b) § 87(2)(b) came from "out of nowhere" and maced him. He called the police from his apartment, and was treated by FDNY.

According to § 87(2)(b) § 87(2)(b) § 87(2)(b) was gone when the police arrived, and showed up again when the officers were about to leave. He had been speaking with the officers in his apartment, where his § 87(2)(b), an NYPD officer from the 33rd precinct, was also present. § 87(2)(b) § 87(2)(b) identified the § 87(2)(b) to the police, who knocked on her door to get her out of her apartment. When she came out, she was screaming and cursing at the officers until they finally placed her under arrest. During part of this incident, § 87(2)(b) § 87(2)(b) was inside his apartment, near the § 87(2)(b) window facing the street. He did not see whether § 87(2)(b) § 87(2)(b) spoke with the officers or was frisked, or whether the § 87(2)(b) were taken into the alley.

§ 87(2)(b) § 87(2)(b) refers to problems that he has had with the § 87(2)(b) since early 1999. The situation was so bad that at one point the two parties made an unsuccessful attempt at mediation. § 87(2)(b) § 87(2)(b) feels that § 87(2)(b) § 87(2)(b) is the aggressor, and states that the § 87(2)(b) always leave the scene before the police arrive. The same two officers, he states, have responded to their location four or five times, and every officer in the 52nd precinct knows about this problem.

The injuries claimed by § 87(2)(b) § 87(2)(b) he states, are false. Neither man hit the other or caused any injuries. When § 87(2)(b) grabbed him, he "reacted" and the two fell to the ground, with § 87(2)(b) on top. § 87(2)(b) he states, held him down while his wife maced him. § 87(2)(b) § 87(2)(b) knows martial arts, and tried to defend himself. He states that he did not cause any injuries to § 87(2)(b) § 87(2)(b) although he knows that § 87(2)(b) § 87(2)(b) has claimed to have been assaulted by him and that the police banged his head against a wall. The following day, after the incident, he saw § 87(2)(b) § 87(2)(b) with "his head wrapped up like they cracked his skull." He feels that § 87(2)(b) § 87(2)(b) faked these injuries.

Police officer statements: PO Brian Mullen states that he and PO Spies responded a 10-34 at § 87(2)(b) § 87(2)(b) apartment (his memo book states § 87(2)(b) #1A) and spoke with him for approximately fifteen minutes until § 87(2)(b) § 87(2)(b) his eyes watery from the mace – pointed out § 87(2)(b) § 87(2)(b) in the street. Inside the apartment there were one or two other unidentified people; PO Mullen does not recall any off-duty police officers being present.

§ 87(2)(b) § 87(2)(b) may have been accompanied by § 87(2)(b) § 87(2)(b) who came from another direction. PO Mullen knows the § 87(2)(b) from a prior job in which he performed back-up for another sector. § 87(2)(b) Without first conducting a frisk, PO Mullen and PO Spies placed § 87(2)(b) § 87(2)(b) under arrest. They frisked her after arresting her, but PO Mullen does not recall where she was standing at the time. § 87(2)(b) § 87(2)(b) he states, was not unusually agitated, though § 87(2)(b) § 87(2)(b) was "upset" because his wife was being arrested. PO Mullen does not recall § 87(2)(b) § 87(2)(b) having any visible injuries, though he did complete an aided report for § 87(2)(b) § 87(2)(b) stating that he sustained a scratch to his forehead (enclosure 29).

There was nothing unusual about the arrest of § 87(2)(b) § 87(2)(b) according to PO Mullen. § 87(2)(b) § 87(2)(b) was not unusually upset or agitated during her arrest. PO Mullen did not smack a cigarette out of her hand or mouth or throw out her pack of cigarettes. He and PO Spies did not call the § 87(2)(b) names, such as “crackheads.” His only interaction with § 87(2)(b) § 87(2)(b) at the scene of the arrest was a conversation, but PO Mullen does not recall what was said.

PO Mullen states that Sgt. Campbell did not threaten to arrest § 87(2)(b) § 87(2)(b) in fact, he does not recall Sgt. Campbell or any other officer responded to § 87(2)(b) at any time during this incident. Later, at the hospital, § 87(2)(b) § 87(2)(b) approached PO Mullen and was “ranting and raving” at him. PO Mullen does not specifically recall anything that § 87(2)(b) § 87(2)(b) said to him because he was not paying attention to him. He did not threaten § 87(2)(b) § 87(2)(b) at the hospital.

PO Robert Spies (enclosure 18) states that he is familiar with the § 87(2)(b) from a prior incident § 87(2)(b) While PO Spies and PO Mullen were in § 87(2)(b) apartment, § 87(2)(b) § 87(2)(b) spotted the § 87(2)(b) and pointed them out to the officers. Also present in the apartment were some relatives and the EMTs who were treating § 87(2)(b) § 87(2)(b) eyes for mace. PO Spies does not recall an off-duty NYPD officer being present.

PO Spies states that it was a very ordinary arrest: “It wasn’t a tough arrest to make – I think it went smoothly.” He and PO Mullen went outside, addressed § 87(2)(b) § 87(2)(b) and placed her under arrest. She was then frisked while she stood freely on the sidewalk, not in an alley. § 87(2)(b) § 87(2)(b) did not appear to be injured, and he was not frisked. He did not cause any trouble during his wife’s arrest. Neither PO Spies nor PO Mullen smacked a cigarette out of § 87(2)(b) § 87(2)(b) hand, he states, nor did they threaten the § 87(2)(b) or use discourteous language toward them.

According to PO Spies, no other officers came to the location on § 87(2)(b) at any point during this incident. PO Spies did not accompany PO Mullen to the hospital and did not observe the conversation between PO Mullen and § 87(2)(b) § 87(2)(b).

Sgt. Kevin Campbell (enclosure 23) states that he and his operator, PO Caton, backed up sector IJK – PO Mullen and PO Spies – at § 87(2)(b). When he arrived, he was told by PO Mullen and PO Spies that two men had been in a fight, and the wife of one man assaulted the other man with pepper spray. The husband and wife, the § 87(2)(b) were gone from the scene and the officers were gathering information from the complainant. Also present at the scene were PO Caton, who was the sergeant’s operator, and PO Martinez. Because the perpetrator was gone, Sgt. Campbell told PO Mullen and PO Spies to do a canvass for § 87(2)(b) § 87(2)(b) and prepare a UF-61, and left the scene. He was present for ten minutes or less, and was not present when § 87(2)(b) § 87(2)(b) was arrested.

Later, while at the 52nd precinct station house, Sgt. Campbell spoke with § 87(2)(b) § 87(2)(b). He was “a little agitated, a little annoyed,” and was “carrying on” inside the station house. The sergeant states that because § 87(2)(b) § 87(2)(b) was disrupting the precinct with his behavior, he warned him to quiet down or face arrest for disorderly conduct. At this point, § 87(2)(b) § 87(2)(b) calmed down, but he did not leave the precinct for some time.

Sgt. Campbell understands that there is an ongoing problem with the § 87(2)(b) and their neighbors on § 87(2)(b). He has seen them since this incident in regard to these problems.

PO Jeff Caton was present with Sgt. Campbell as his operator, but states that he has no recollection of responding to this incident.

PO George Martinez was also present, according to Sgt. Campbell’s memo book and statement. According to the

52nd precinct roll call office, PO Martinez retired from the NYPD on August 9, 1999. He was not interviewed in connection with this investigation.

PO Ruben Ruiz (enclosure 25) was the final officer interviewed for this case. He is assigned to the 33rd precinct in Manhattan and § 87(2)(b) of § 87(2)(b) § 87(2)(b) the man who was maced by § 87(2)(b) § 87(2)(b). He provided a lengthy statement about this incident and about the ongoing situation between the § 87(2)(b) and § 87(2)(b) on § 87(2)(b).

At the time of this incident, PO Ruiz was finishing his tour at the 33rd precinct. He was called to § 87(2)(b) by § 87(2)(b), who told him that § 87(2)(b) § 87(2)(b) (§ 87(2)(b) had been assaulted. As he arrived in plain clothes, there was a fire truck present with FDNY workers inside, flushing water into § 87(2)(b) eyes [they soon left the scene, before the police arrived]. § 87(2)(b) had called the police, but they had not responded yet. PO Ruiz called to hurry them along, and they responded shortly after the fire truck departed. Two officers came to the apartment and and § 87(2)(b) began to describe the § 87(2)(b) to them. The officers interrupted him and said that they knew the couple he was describing.

Soon afterward, the § 87(2)(b) were pointed out on the street. Everyone went outside and the officers separated § 87(2)(b) from § 87(2)(b) § 87(2)(b) to speak with both parties. § 87(2)(b) was combative and cursing. At first it appeared to be a cross complaint in which both parties would be arrested, then the officers arrested § 87(2)(b) § 87(2)(b) because she had caused the most injury with the mace. Neither man was apparently bruised or bleeding from their fight.

§ 87(2)(b) § 87(2)(b) became agitated when the officers arrested his wife, at which point the officers called for a supervisor. The patrol supervisor arrived at the scene with two officers and attempted to speak with § 87(2)(b) § 87(2)(b) who remained combative and agitated. The supervisor told him that he would be arrested for disorderly conduct if he did not leave the area. § 87(2)(b) § 87(2)(b) walked away, telling § 87(2)(b) § 87(2)(b) that he was going to make a complaint about him and his § 87(2)(b). PO Ruiz states that he personally spoke with the patrol supervisor and told him that he was not personally involved in the situation.

PO Ruiz states that § 87(2)(b) § 87(2)(b) was never frisked, and no officers put their hands on him at any time. § 87(2)(b) § 87(2)(b) was frisked and handcuffed while standing in the street, not in the alleyway between the buildings. PO Ruiz never saw the officers go into the alleyway. The officers, he states, never cursed at the § 87(2)(b) or called them names, such as crackheads – though they did mention to PO Ruiz that the § 87(2)(b) were recently arrested for crack. He did not see an officer smack a cigarette out of § 87(2)(b) § 87(2)(b) mouth or hand.

PO Ruiz states that he does not know exactly how the trouble began between his § 87(2)(b) and § 87(2)(b) § 87(2)(b) § 87(2)(b) he states, is not usually at home because he is either in school or § 87(2)(b) volunteering as a Karate teacher. At one point, PO Ruiz helped § 87(2)(b) § 87(2)(b) in his attempt to bring the § 87(2)(b) to mediation court (the § 87(2)(b) were uncooperative). Approximately one or two weeks prior to the May 4 incident, PO Ruiz was at his § 87(2)(b) § 87(2)(b) residence when § 87(2)(b) § 87(2)(b) approached the § 87(2)(b) window and challenged § 87(2)(b) and his § 87(2)(b) to come out and fight. PO Ruiz was informed that § 87(2)(b) § 87(2)(b) instigated the May 4th confrontation in much the same way.

Since the May 4th incident § 87(2)(b) seldom goes to § 87(2)(b) to visit his family. He is worried that the § 87(2)(b) will make a false complaint against him in retaliation for § 87(2)(b) § 87(2)(b) arrest. In fact, § 87(2)(b) § 87(2)(b) did call the 33rd precinct once to complain about him when she noted the number of his RMP on the street. He had to speak with his sergeant and explain the ongoing situation to him.

Conclusions and Recommendations

§ 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

As noted by his § 87(2)(b) § 87(2)(b), § 87(2)(g) took the lead in attempting to attend mediation court with the § 87(2)(b) § 87(2)(b), § 87(2)(g). Additionally, the May 4th UF-61 complaint report generated on behalf of § 87(2)(b) § 87(2)(b) (as complainant against § 87(2)(b) § 87(2)(b) indicates that he § 87(2)(b) was the aggressor in the fight, as asserted by § 87(2)(b) § 87(2)(b).

§ 87(2)(b), § 87(2)(g)

He states that he and the others in the building's § 87(2)(b) have had many problems with the § 87(2)(b) and does not consider them honest or good people. § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

The key event in the § 87(2)(b) complaint is the search conducted by the two officers in the alley between § 87(2)(b) and § 87(2)(b). In her photo array statement, § 87(2)(b) § 87(2)(b) identified PO Mullen as the officer who committed the “physicalities” while PO Spies “backed him up.” PO Spies, she stated, did not commit any “physicalities.” § 87(2)(g) § 87(2)(b) § 87(2)(b) stated in her § 87(2)(b) complaint that PO Spies actually searched her husband while holding his head against the wall.

§ 87(2)(b) § 87(2)(b) identified PO Mullen (in a photo array) as the officer who “got really aggressive” with him, while PO Spies was “very aggressive” with his wife and told him to shut up. He described PO Spies as “very, very nasty.” In his original statement to CCRB regarding the incident, he did not identify which officer searched him and held his head against the wall, but he clearly stated that the officer who pushed his head against the wall is the same officer who smacked a cigarette from his wife’s mouth and twisted her arm. He then stated that both he and his wife were being searched by the two officers at the same time, and that the one officer held his head against the wall while the other officer twisted his wife’s arm.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) § 87(2)(b) § 87(2)(g) first identified two officers searching her and her husband, then later stated that one officer was wholly responsible while the other officer “backed him up.” Finally, when they did state that both officers searched them, they each claimed that PO Mullen searched them while PO Spies searched the other.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) § 87(2)(b) states that she and her husband were frisked in the alley before she was handcuffed and placed to the police vehicle. At that time, her husband complained to Sgt. Campbell, who threatened to arrest him. § 87(2)(b) § 87(2)(b) § 87(2)(g), alleges that he and his wife were taken to the alley after Sgt. Campbell threatened him.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b), § 87(2)(g) Sgt. Campbell himself states that he was present at the beginning of the job, and that he instructed the two officers on how to handle the situation. Present with him was PO Caton and PO Martinez. PO Ruiz affirms that the patrol supervisor arrived at the scene with two officers and also states that he clearly identified himself as an off-duty officer. Additionally, § 87(2)(b) § 87(2)(b) § 87(2)(b), § 87(2)(g) states that there were three police vehicles present and “probably more police officers than witnesses” at the scene.

§ 87(2)(g)

§ 87(2)(b) and § 87(2)(b) § 87(2)(b) both allege that Sgt. Campbell was present at § 87(2)(b) arrest and threatened § 87(2)(b) with arrest. And while Officers Spies and Mullen claim that they were alone the entire time, and while PO Caton (the sergeant’s operator) does not recall the job, witness § 87(2)(b) § 87(2)(b) observed three police vehicles and many officers, including a sergeant or sergeants, at § 87(2)(b) PO Ruiz, who is assigned to the 33rd precinct and who was off-duty during this incident, specifically recalls a patrol sergeant warning or threatening § 87(2)(b) § 87(2)(b) with arrest at § 87(2)(b) The 52nd precinct roll call for May 4, 1999 indicates that Sgt. Campbell was the only patrol sergeant on duty during the third tour of that day.

§ 87(2)(b), § 87(2)(g)

Allegations (A) through (G) state that PO Brian Mullen and PO Robert Spies led § 87(2)(b) and § 87(2)(b) § 87(2)(b)

into an alley between § 87(2)(b), where they used discourteous language, physical force, and threats of physical force, while searching them and destroying their property. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

The search of § 87(2)(b) § 87(2)(b) according to both officers, was conducted incident to her arrest as she stood on the sidewalk or street. PO Ruben Ruiz agrees with this account, and his § 87(2)(b) § 87(2)(b) states that he was inside and did not see any searches. § 87(2)(b) § 87(2)(b) states that after hearing the shouts and commotion from the street (as he sat in his office at the far end of the alley where the § 87(2)(b) were allegedly searched), he went out and learned that there had been a fight. A short while later, after sitting again in his office, he went back outside and saw § 87(2)(b) § 87(2)(b) in handcuffs as she was placed into the police vehicle. § 87(2)(b) § 87(2)(b) did not hear anything in the alley just outside his office at the exact time that the § 87(2)(b) claim they were searched, profaned, and threatened there.


§ 87(2)(g)

Allegation (H) states that Sgt. Kevin Campbell threatened § 87(2)(b) § 87(2)(b) with arrest when he said, “just take a walk, get away from here because you’ll be arrested too.” § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (I) states that PO Brian Mullen threatened § 87(2)(b) § 87(2)(b) at § 87(2)(b) when he said, “I advise you to shut up, because when I see you around the neighborhood, I got you – and I’m gonna take care of you.” The allegation is denied by PO Mullen. § 87(2)(g)

Investigator:  Date: 4/12/00
Supervisor: _____ Date: _____
Reviewed by: mwew Date: 4/12/00
Reviewed by: _____ Date: _____